

**MINUTES OF MEETING
BAYSIDE IMPROVEMENT AND BAY CREEK
COMMUNITY DEVELOPMENT DISTRICTS**

The Boards of Supervisors of the Bayside Improvement Community Development District and Bay Creek Community Development District held a Joint Regular Meeting and Public Hearing on February 28, 2022, at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134. Members of the public were able to participate via Zoom, at <https://us02web.zoom.us/j/88969163185>, and via conference call at 1-929-205-6099, Meeting ID: 889 6916 3185 for both.

For Bayside Improvement CDD, present were:

Walter McCarthy	Chair
Bill Nicholson	Vice Chair
Bernie Cramer	Assistant Secretary
Gail Gravenhorst	Assistant Secretary

For Bay Creek CDD, present were:

James Janek	Chair
Robert Travers	Vice Chair
Mary McVay	Assistant Secretary
R. Gary Durney	Assistant Secretary
Jerry Addison	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Shane Willis	Operations Manager
Greg Urbancic (via Zoom/phone)	District Counsel, Bayside Improvement CDD
Dan Cox (via Zoom/phone)	District Counsel, Bay Creek CDD
Wes Kayne (via Zoom/phone)	District Engineer
Christina Kennedy (via Zoom/phone)	SOLitude Lake Management (SOLitude)
Mark Putcoff	PLCA General Manager
Brett Beaver	Regional Manager/First Service Residential
Sharon Frost	Resident
Charlotte McCarthy	Resident
Frank Russo	Resident

FIRST ORDER OF BUSINESS

**Call to Order/Phone Silent Mode/Pledge of
Allegiance**

Mr. Janek called the meeting to order at 2:00 p.m. All present recited the Pledge of Allegiance.

SECOND ORDER OF BUSINESS

Roll Call

For Bayside Improvement CDD, Supervisors McCarthy, Nicholson, Cramer, and Gravenhorst were present in person. Supervisor Montgomery was not present. All Bay Creek CDD Supervisors were present, in person.

Mr. McCarthy recalled the recent passing of Mr. Montgomery and noted all present were remembering him and his contributions to the community.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

Resident Frank Russo, of The Tides, asked for additional irrigation to be allocated to his community. He stated sod was reinstalled several times and, while the irrigation improved following installation of the new pump, additional irrigation is needed and striping and pothole repairs are needed on Walden Center Drive. Mr. Adams stated the road repairs were on the list of deficiencies identified in association with the road turnover to the Village of Estero and they would be addressed. Mr. Russo noted that dead bushes were removed but not replaced. Mr. Adams stated funds were allocated and the bushes would be replaced.

Discussion ensued regarding ensuring efficient delivery of irrigation. Mr. Adams stated the new pump station drastically improved the pressure and volume of delivery while reducing electricity draw; the new system delivers more water and wet checks are done routinely to identify sprinkler issues. He stated that wet checks are done during daytime hours and, while additional watering is permitted when new plants are installed, he recommended waiting until the rainy season to install new plants.

Discussion ensued regarding the County-wide ordinance limiting watering to twice a week and adjustment of timers. Mr. Kemp would be asked to check on the irrigation and timers.

Resident Sharon Frost asked for the recommended time of day for irrigating. Mr. Adams stated the water restriction hours are 4:00 a.m. to 8:00 a.m., the CDDs' goal is to irrigate before 4:00 a.m., and, realizing that most residents will try to emulate that, he suggested that residents irrigate at 2:00 a.m., or midnight. Generally, Water Inspectors do not issue warnings or fines at night like they do during the day.

Acting PLCA General Manager Mark Putcoff stated First Service Residential (FSR) is the new Management Company. He introduced Mr. Brett Beaver, an FSR Regional Manager, who has been very helpful with the transition and Human Resources. All staff members were transferred over.

Mr. Beaver stated FSR has serviced the CDDs for about 30 days. He urged everyone to contact him with questions or concerns; he would respond by telephone or email within 24 hours.

JOINT BUSINESS ITEMS

FOURTH ORDER OF BUSINESS

Staff Report: District Engineer – *Barraco & Associates, Inc.*

Mr. Kayne reported the following:

- Since the January meeting, Barraco's Survey Department has provided stakeout services to delineate the conservation easement behind 3491 Point Creek Court to assist the Environmental Consultant review the impacts behind that unit in the Bay Creek area.
- The Florida Department of Environmental Protection (FDEP) sent a request for additional information related to its review of the Year 4 NPDES Annual Report. The District Manager can provide a copy to the Boards if needed.
- The FDEP requests were relatively benign. The FDEP reviewer indicated that much of the required information was provided but the information was taken from the cover letter and the re-application letter that the CDDs provided instead of in the body of the formatted document.
- In his opinion, there is little continuity within FDEP, especially in the NPDES Department. It seems as FDEP staff is re-trained every year on what to look for in the reports.

➤ A response to the comments is being prepared, along with any revisions or updates to the Year 4 NPDES Annual Report. A draft will be emailed to the District Manager and Chairs and the Report would be re-submitted at the end of the week.

➤ Barraco has been engaged by the Ronto Group to provide design and development services for a parcel within the Colony. While Mr. Kayne is not personally involved with the management and development of that parcel, he may serve as a resource in the design process. If the Boards or Staff have any concerns, they should let the firm know.

Discussion ensued regarding the Ronto Group appointment and a past issue involving Engineering related to the drainage in the Treviso parking garage and Florencia.

A Board Member asked Mr. Kayne to remain until the Seventh Order of Business to answer a few questions regarding NPDES.

FIFTH ORDER OF BUSINESS

Waterway Inspection Report: *SOLitude Lake Management*

Ms. Kennedy presented the February Monthly Report and highlighted the following:

- Pond A-3: Chara growth in the shallow areas outside the littorals would be treated.
- Pond A-5: Open areas that can be easily-reached would be treated for slight algae growth.
- Pond A-22:-Cattails near the border where the lake meets the wetland would be treated.
- Pond B-4: Bladderwort and submersed weed were being treated.
- Pond D-12 – Need to treat the grasses and pennywort on exposed riprap and in the littorals.
- Pond D-13: Needs shoreline work.
- Pond E-8 (an irrigation lake): SOLitude will continue to target slender spikerush.
- Pond F-5: Continue spot treatment of submersed growth, including slender spikerush and Chara.
- Ponds B-6 and B-14: The aeration systems were repaired.
- Pond B-3: The compressor was received and should be up and running.
- Pond E-5: The nano-bubbler cannot be repaired.

Asked why the alligator weed and algae in Pond A-2 was not shown in the photograph, Ms. Kennedy stated she would alert the technician to focus on that area and act accordingly. Regarding whether SOLitude would issue discounts on the ponds where the nano-bubblers are not working, Ms. Kennedy stated that discounts were being negotiated with Mrs. Adams.

SIXTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

Mr. Putcoff gave the following update on behalf of Ms. Price:

- The trees slated for removal from Pelican Colony Boulevard were removed, the irrigation system underneath is being upgraded and new plantings would be installed.
- 28 unhealthy trees were removed and 32 trees were planted.

B. Colony Landscape Committee

The report was emailed to the Boards.

C. Water Quality Task Force

Mr. Putcoff stated that the Water Quality Task Force (WQTF) prepared a final draft but it would not be shared until after Ms. Montgomery has reviewed and commented on it. He asked if the NPDES permit has a maximum contaminant level (MCL) constituents that the CDDs must stay under or if there are any other requirements of the NPDES permit, other than sampling, that the CDDs should be concerned about.

Mr. Kayne stated, as of now, the FDEP map that contains all total maximum daily loads (TMDLs) and basic management action plans (BMAPs) for all of Florida, the area that Pelican Landing is located within has waters that are not up to standard but there is no BMAP or TMDL at this point for dissolved oxygen, metals, copper and nutrients. Spring Creek is classified as an impaired water body but not necessarily with a BMAP or TMDL established.

Mr. Putcoff asked if there are any requirements in the agreement with the City of Bonita Springs that speak directly to any kind of nutrient levels or sampling requirements. He wanted to be sure of whether anything in that document encourages additional sampling or addressing certain contaminant constituents.

Mr. Urbancic reviewed Section 3 of the City of Bonita Springs Agreement and discussed the CDDs' plan of obligations and drafting a monitoring plan with certain components for submittal to the City. The main criteria are that a statement must be included affirming that the CDDs are meeting the requirements that were imposed.

Mr. Cox explained that the purpose of monitoring the CDDs' submittal to the City is because, if the CDDs reach the point where there are discharges that are compliant with the TMDLs that have yet to be established, then the CDDs must obtain a permanent waiver of any of the assessments for the stormwater management assessments levied by the City of Bonita Springs. Until the TMDLs are established, all that is being done is providing them with data.

Discussion ensued regarding the differences between the NPDES, TMDL and BMAP programs, County-wide standards for fertilizer application, pollution discharge, biological contaminants and monitoring the lakes.

Mr. Durney suggested an additional sampling. Mr. Cox stated there must be community buy-in for those concepts. Implementation of a water quality improvement plan, which entity would take the lead, enforcement and reducing fertilizer applications, were discussed.

SEVENTH ORDER OF BUSINESS

Consideration of Barraco and Associates, Inc., Supplemental Agreements for Consultant Services for Stormwater Needs Analysis Assistance

Mr. Adams presented the Barraco and Associates, Inc. Supplemental Agreement for Consultant Services for Stormwater Needs Analysis Assistance. Mr. McCarthy called attention to an error in the "Task Description" and suggested striking "Section 5 of" in both proposals. He requested establishing a maximum not-to-exceed amount for preparation of the Report.

Discussion ensued regarding an appropriate amount to be charged, the State's review process, the NPDES, the WQTF, the CPM-Cost plus option and the funding source for preparation of the Report.

- A. Supplemental Agreement No. 2022-03, *Bayside Improvement Community Development District***

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Nicholson, with all in favor, the Barraco and Associates, Inc., Supplemental Agreement No. 2022-03, for Consultant Services for Stormwater Needs Analysis Assistance, in the amount of \$4,000, CPM-cost plus for the maximum fee not to be exceeded without prior authorization, was approved.

B. Supplemental Agreement No. 2022-04, *Bay Creek Community Development District*

On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Addison, with all in favor, the Barraco and Associates, Inc., Supplemental Agreement No. 2022-04 for Consultant Services for Stormwater Needs Analysis Assistance in the amount of \$3,500, CPM-cost plus for the maximum fee not to be exceeded without prior authorization, was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Resolutions Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Begin Conducting the Districts' General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date

Mr. Adams presented Resolutions 2022-01 and 2022-02.

A. Resolution 2022-01, *Bayside Improvement Community Development District*

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Nicholson, with all in favor, Resolution 2022-01, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Begin Conducting the Districts' General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

B. Resolution 2022-02, *Bay Creek Community Development District*

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Durney, with all in favor, Resolution 2022-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Begin Conducting the Districts' General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Presentation of Monthly Budget and Year End Projection *(to be provided under separate cover)*

Mr. Nicholson voiced his opinion that the unaudited financials in the agenda book are less informative, whereas the Monthly Budget and Year End Projection document is forward-looking. He would prefer reviewing this document instead of the unaudited financials in the agenda.

Mr. Adams stated the unaudited financials are legally required and would continue to be provided but, for now, the focus could be on the Monthly Budget and Year End Projection. He highlighted the following:

- Some of the more material expenses were updated to reflect what actually occurred versus what was anticipated; adjustments were made to the flower program and to mulch.
- Under "Landscape services", other contractual tree trimming was incorporated.
- There are positive numbers under "Personnel services". A few positions would remain empty to help offset the cost of outsourcing the tree trimming. Staff will commence hiring additional staff in March and will be considering how to entice new hires.
- The combined general fund projections are \$119,000 to the positive; Bayside is positive by slightly over \$95,000 and Bay Creek is slightly over \$23,000.
- For the Enterprise fund projections, Bayside is \$57,641 to the positive and Bay Creek is \$24,000 to the negative but, with the recent rate increase, this should correct itself during the year.
- The general fund projection for The Colony is \$21,000 to the positive.
- The flower changeout schedule would be changed for 2022; the planting cycles are slated for November, February and June.

Discussion ensued regarding mulch applications and spending.

TENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of January 31, 2022**

The financials were accepted.

ELEVENTH ORDER OF BUSINESS

**Approval of January 24, 2022 Joint Regular
Meeting and Public Hearing Minutes**

Mr. Adams presented the January 24, 2022 Joint Regular Meeting and Public Hearing Minutes.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the January 24, 2022 Joint Regular Meeting and Public Hearing Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Travers, with all in favor, the January 24, 2022 Joint Regular Meeting and Public Hearing Minutes, as amended to include any changes submitted to Management, were approved.

TWELFTH ORDER OF BUSINESS

Action/Agenda Items

Active/Ongoing New Items: Items 3, 5, 7, 8, 10 and 11 were completed.

The following Action Items were discussed:

Item 4: Staff is working with SOLitude on obtaining discounts on the nano-bubblers.

Item 6: Mr. Adams must locate and update a historical document to educate residents on the CDD and PLCA responsibilities.

Item 10: Not required; delete from list.

Item 11: Completed by the HOA.

Active/Ongoing Carry Over from 12.06.21: Items 3 and 4 were completed.

Items 1 and 2: Do not apply; remove from list.

Active/Ongoing Carried Over older than 12.06.21: Item 1 was completed.

Items 2 and 7: Remove from list.

THIRTEENTH ORDER OF BUSINESS

Old Business

There was no old business.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

I. *Gregory Urbancic, Esq., Coleman Yovanovich Koester, P.A.*

Mr. Urbancic discussed legislative bills that are still pending.

II. *Daniel Cox, Esq.*

Mr. Cox discussed a bill regarding Developers that would affect the City of Bonita Springs.

B. District Manager: *Wrathell, Hunt and Associates, LLC*

I. Monthly Status Report: Field Operations

- **Discussion/Presentation: Monthly Report Narrative**

The Monthly Status Report was included for informational purposes.

II. NEXT MEETING DATE: March 28, 2022 at 2:00 P.M.

- **QUORUM CHECK: *BAYSIDE IMPROVEMENT CDD***
- **QUORUM CHECK: *BAY CREEK CDD***

The next meeting would be held on March 28, 2022.

FIFTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Nicholson asked for an update on the Reclaim Schedule costs. Mr. Adams stated Staff is working with the South Florida Water Management District (SFWMD); information is being provided and the schedule is generally approved. The details are being reviewed and it would then go to Engineering. Asked when it will be completed, Mr. Adams stated probably during the rainy season.

Discussion ensued regarding when to communicate the rate change calculation, irrigation rate increases and anticipating the need for rate adjustment.

Ms. Gravenhorst stated The Colony Landscape Committee asked for a tour. Mr. Adams stated a request should be emailed to District Management, then the tour would be facilitated.

Ms. Gravenhorst felt that the maintenance gate is in need of repairs and asked Staff to schedule the repairs. Mrs. Adams stated Doug would facilitate the gate repairs.

Ms. Gravenhorst asked about revising the plant replacement budget and asked Staff to get professional advice on soil testing for troubled areas. Mr. Adams would have Mr. Boyd, the Horticulturist, participate.

Mr. Durney asked for the vegetation be trimmed away from the sidewalks, from the south gate to Pine Water and Ascott. Mrs. Adams would have the sidewalks inspected and the vegetation trimmed.

Mr. Janek believed that plants need to be replaced on the southernmost part of US 41 to the end of the property.

SIXTEENTH ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

No members of the public spoke.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Nicholson, with all in favor, the meeting adjourned at 3:45 p.m.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Travers, with all in favor, the meeting adjourned at 3:45 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

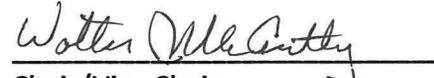
**BAYSIDE IMPROVEMENT
& BAY CREEK CDDS**

February 28, 2022

FOR BAYSIDE IMPROVEMENT:



Secretary/Assistant Secretary



Chair/Vice Chair

FOR BAY CREEK:



Secretary/Assistant Secretary



Chair/Vice Chair